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08/655,133 05/30/96 TOGNAZZINI

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 12

Application Number: 08/655,133
Filing Date: 5/30/1996
Appellant(s): Tognazzini, Bruce

MAILED

1 JUL 06 1999

Group 2700

Stewart, David L.
For Appellant

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed 2/23/99.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

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A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement regarding grouping of claims that is correct.

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

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✓ 5,731,785	Lemelson et al	3/24/98
✓ 5,081,667	Drori et al	1/14/92
✓ 5,442,668	Katz	8/15/95
✓ 5,727,057	Emery et al	3/10/98
✓ 5,748,148	Heisser et al	5/5/98

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim 1-8, 10-12 and 19-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Lemelson et al. This rejection is set forth in prior Office action, Paper No. 5.

Regarding claims 1, 10, 11, 19 and 20, Lemelson teaches an apparatus for establishing communications between a calling station and a called station (see abstract). At least one called station comprising a memory storing information in a database (figure 3, element 19). A transceiver (figure 3, element 24) comprising a receiver for receiving a communications request including a query (column 8, lines 47-51) specifying at least one criterion and a transmitter for responding to said communication request when said information stored in said database satisfies said at least one criterion (column 10-lines 25-33). Lemelson further teaches a comparator for comparing information stored in said database with said at least one criterion (column 2, lines 8-10). Lemelson also teaches of providing an element for performing the step of opening a communications link with individual stations from which a response is received (column 2, lines 9-15).

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Regarding claims 2, 3 and 12, Lemelson discloses a global positioning system (figure 2) and a GPS receiver for storing current location information in said database including a communication request containing at least one criterion~,,)n based on location (column 1, lines 57-65).

Regarding claim 4, Lemelson teaches a proximity detector for providing relative location information about nearby objects based on apparatus location (column 2, lines 34-37). A computing device for calculating location information independent of said apparatus location and information provided by said GPS (column 3, lines 65-67).

Regarding claim 5, Lemelson teaches a status detector for storing information about the status of said apparatus in said database (column 1, lines 40- 46).

Regarding claim 6, Lemelson teaches said status request includes at least one criterion based on status (column 1, lines 47-50).

Regarding claims 7, 8 and 21 Lemelson teaches said database stores information about history of said apparatus and said communication request include at least one criterion based on history (column 1, lines 51-56).

Regarding claims 22 and 23, Lemelson teaches a system comprising a network for connecting stations (column 6, lines 59-64), a plurality of stations where at least some of which include a database (column 10, lines 23-25), an network channel for sending communication request including a query (column 1, lines 40-45) and a network communication channel for

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communicating between said originating station and those stations at which information is stored.

Lemelson further teaches said system being a cellular system (see abstract) .

Regarding claims 24-26, Lemelson teaches of a computer program comprising a memory medium where said computer program is stored on said memory medium and said computer program comprising instructions for sending a communications request from an originating station to other stations including a query against information stored and instructions for receiving a response from only individual stations at which information stored satisfies the query. Program further comprises information stored at a called station is location information (column 6, lines 45-59).

Claims 9 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemelson as applied to claims 1 and 10 above. This rejection is set forth in prior Office action, Paper No. 5.

Regarding claim 9 and 13, Lemelson discloses address mapping display (figure 4, element 42D) but fails to specifically disclose touch screen display. However, examiner takes official notice that "touch screen display" are well known in the art and therefore it would have been obvious to one of ordinary skill at the time the invention was made to improve Lemelson display to a touch screen display because touch screen displays are simpler to use, require less physical components and provide a more convenient method for the user to enter data as well as provide a larger screen for viewing.

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Regarding claim 14 and 15, Lemelson teaches a receiver for receiving a response from at least one station having a data base having information which satisfies said query, said response includes information about location of at least one station (column 1, lines 40- 45). A global positioning satellite receiver (figure 2) and a display initiating a communication request when a location on said display is requested (column 10, lines 5-13). However, Lemelson fails to specifically disclose a touch screen display. However, examiner takes official notice that "touch screen display" are well known in the art and therefore it would have been obvious to one of ordinary skill at the time the invention was made to improve Lemelson display to a touch screen display because touch screen displays are simpler to use, require less physical components and provide a more convenient method for the user to enter data as well as provide a larger screen for viewing.

Claims 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lemelson et al in view of Drori et al. This rejection is set forth in prior Office action, Paper No. 5.

Regarding claim 16, Lemelson teaches a computer (figure 4, element 42), a memory connected to a bus (figure 4, element 42M) storing information in a database, and a receiver and transmitter connected to a bus (figure 4, element 6). However, Lemelson fails to disclose said computer responding to said communication request when said information stored in said database satisfies at least one criterion. However, Drori does teach a computer responding to said communication request when said information stored in said database satisfies at least one criterion (column 18,

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lines 40-65). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the computer means taught by Drori to Lemelson's invention in order to provide a more efficient way to control function in which said computer is controlling and further allow for communication from an outside source.

Regarding claim 17, Lemelson fails to disclose said computer controls vehicle functions and in which an authorized user may preempt control of said which functions over said receiver. However, Drori does disclose a method for integrating a cellular telephone with a vehicle security. More specifically, Drori teaches a method for a vehicle owner to telephone the vehicle once it has been discovered that the vehicle has been stolen and a command to stop the engine is received (column 2, lines 28-43). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate an outside control means for said computer installed in said vehicle in order to allow for further anti-theft resistance, and a faster recovery of said vehicle.

Regarding claim 18, Lemelson fails to disclose a hands free telephone in which said computer activates said hands free telephone under a control request over said receiver. However, Drori teaches handset telephone (figure 1, element 14) where said handset is activated by computer (figure 1, element 20) under a control request (column 5, lines 9-17). Therefore it would have been obvious to one of ordinary skill at the time the invention was made to provide said handset to Lemelson's invention in order to allow for communication between said thief or person in vehicle and an outsider trying to communicate with said person. Lemelson also fails to

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prove said handset telephone as a hands free telephone, however, official notice is taken that it is well known in the art to utilize a hands free telephone in vehicles, and therefore would have been obvious to make said handset a hands free handset because hands free telephones are more practical and safer to use while driving.

(11) Response to Argument

ISSUE 1:

Regarding claim 1, appellant argues that Lemelson fails to disclose a database at the called station, or searching such a database, or searching such a database, or searching such a database before responding to a communication request. However, examiner disagrees with appellant in that, Lemelson does disclose a database (figure 3, element 10). Figure 3, depicts a unit 10, where a PIN code stored in memory and later utilized in a matching process.

Examiner insists that although Lemelson does not disclose the word "database" per se, it is inherent if not analogous that a memory unit where an item is stored and later retrieved qualifies as a database. Claim 1 calls for a memory storing information in a database and searching said database based on a query, Lemelson does just that as seen in columns 5,6 and 8. Furthermore, Lemelson discloses a comparator for comparing the information stored in the database with at least one criterion and a transmitter for responding to the communication request when the information stored in the database satisfies at least one criterion (column 10, lines 25-33 and column 2, lines 8-10). Appellant's main concern appears to be that a memory

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module is not a database since there is only one item stored in said memory module and therefore no searching can take place. However, searching does occur in memory since the microprocessor must determine the location in said memory where the requested code can be found. Inherently this makes the memory module a database. Also, Appellant argues that examiner has failed to show in Lemelson, searching a database before connecting a call. However, no where in claim one is it suggested that there is any particular order to the steps occurring in regards to the called station. Connecting a call can be done at any time, before, after or during the searching of the database. The claim is interpreted in the broadest sense.

Regarding claim 2, appellant argues examiner has failed to show "storing location information in said database". However, Lemelson does disclose a GPS system (as required by the claim) for storing current location information in said database (column 1, lines 49-67).

Regarding claim 4, appellant argues that Lemelson fails to teach proximity detector. However, examiner simply read proximity detector in the broadest sense. No where in the claim is it defined that a proximity detector is separate from the satellite positioning system. Appellant is arguing issues that are discussed in the specification, and although the claims are read in view of the specification, the limitations of the specification are not read into the claims.

Regarding claim 5, appellant argues that Lemelson does not disclose a status detector for storing information about the status of said apparatus in said database. However, appellant is

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incorrect since it is clear that a monitor station does qualify as a status detector, especially since appellant defined a status detector to serve the same function a monitor station produces.

Regarding claims 6-8, 10-12, 19-22 and 24, please see prior argument (appellant relies on the fact that Lemelson does not disclose a database).

Regarding claims 25 and 26, appellant argument again consists of the notion that Lemelson fails to disclose searching through a database. As shown above, Lemelson does disclose receiving a query and searching a database. Furthermore, appellant is calling upon the preamble, citing a computer program product. Examiner would like to point out that a computer product is inherent to any device comprising microprocessor.

ISSUE 2:

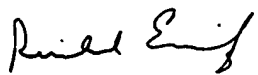
Regarding claim 9, appellant argues that since Lemelson fails to teach establishing a connection between a calling station and a called station using any information other than the pre-set ID known in the prior art (Again, appellant argues that Lemelson does not teach a database or searching through a database) than there is no motivation behind modifying Lemelson to include a touch screen display. However, examiner merely suggested that touch screen are well known. The motivation of utilizing a touch screen with Lemelson is seen in Lemelson in column 2, lines 8-19. Touch screen simply provide an easier method of communicating with a processor.

Regarding claims 10 and 13-15, appellant argues the same issues discussed above.

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ISSUE 3:

Regarding claim 16, appellant argues that Drori fails to cure the deficiencies in Lemelson. However, appellant insists that Lemelson does not suggest a database or searching a database. However, this argument is discussed above. Examiner fails to see where appellant challenges the teachings of Drori.


REINHARD J. EISENZOPF 7-2-99
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6/22/99